

Amendments to the Drawings

Please replace the existing drawings with the attached Replacement Drawings for Figures 1-24.

REMARKS

The Office Action of September 19, 2005 has been considered in detail, and Applicants' hereby submit their comments to the Office Action below.

At the outset, Applicants note the indication on the Office Action Summary that the certified copies of the priority documents have not been received. Applicants note that certified copies of the priority documents were submitted on April 15, 2002 with the Response to the Notice of Missing Parts. Applicants also note that the Image File Wrapper in PAIR for the published application indicates the certified priority documents were scanned into the PTO database on April 15, 2002. Therefore, it is requested that any subsequent Office Actions correctly indicate that the certified copies of the priority documents for this application have been received. If, between April 15, 2002 and the present time, the Patent and Trademark Office has misplaced the certified priority documents, it is requested to make a search for the documents.

Appropriate amendments to the specification have been made in order to obviate the various objections to the specification for informalities. Withdrawal of the objection to the specification is respectfully requested.

The Examiner's attention is directed to the Replacement Drawings for Figures 1-24. Withdrawal of the objection to the drawings is deemed in order.

The Examiner's attention is also directed to the accompanying Information Disclosure Statement. Return of the initialed PTO-1449 is requested.

The claims have been amended to conform with preferred U.S. practice so that (1) the “providing” clause of claim 1 has been eliminated, and the substance thereof is now in the preamble; (2) temporal limitations have been removed where appropriate; (3) specific requirements for comparison steps and structures for performing comparisons have been deleted; (4) infringement of the apparatus claims occurs when the goods are sold, prior to be put into use; and (5) open-ended coverage is provided, where appropriate.

Rejections under 35 U.S.C. §102

Applicants traverse the rejection of claims 1-3, 5, 6, 8-10, 14, 15, 17, 19, 21-26, 30, 33, 35, 37-42 and 46 as being anticipated by Slezak et al., U.S. Patent 6,647,119.

Slezak et al. discloses a number of different uses of synthesized audio in relation to use of a personal computer. These features include:

- Figure 3 - audio notification of events in running applications;
- Figure 4 - during audio conference, participant’s voice aligned with screen representation;
- Figure 5 - audio effects for scroll bar;
- Figure 6 - audio indication of position in hierarchy of pages;
- Figure 7 - audio effects for task progress bar;
- Figure 8 - audio effects for collapsing / expanding window;
- Figure 9 - audio cursor following screen cursor position.

The audio cursor described at column 9, lines 26 to 48 is simply a sound source simulated at a position indicative of the on-screen position of a standard screen cursor. The purpose of the audio cursor is to facilitate location of the screen cursor.

However, Slezak et al. does not disclose the step (b) in claim 1 as previously or now written, namely:

- (b) in response to the cursor being moved in the audio field so the cursor comes close to an item-representing sound source, generating a related audible indication by modifying, in a manner that is perceptible to a user, the sound emanating from at least one of the item-representing sound source and the cursor.

The audio cursor of Slezak et al. merely indicates the position of the screen cursor. Item selection using a cursor is done on screen, not by generating an audible indication of the audio cursor coming close to an item-representing sound source “by modifying, in a manner that is perceptible to a user, the sound emanating from at least one of the item-representing sound source and the cursor”.

The allegation in the Office Action that column 8 lines 9-17 of Slezak et al. discloses generating an audible indication of the audio cursor coming close to an item-representing sound source “by modifying the sound emanating from at least one of that item-representing sound source and the cursor” is wrong. Column 8, lines 9-17 relates to providing an audible indication to a user of where the user is within a hierarchy of document sub-elements. There is no mention of an audio cursor at all in relation to this embodiment of Slezak. All that happens is that the user’s current location in a notional document sub-element hierarchy is determined and a

corresponding audio indication is produced. Each sub-element is separately viewable on the monitor (in the example given, each is a separate HTML page; see column 17, line 67). If an audio cursor were used to indicate a current screen position, the position of the cursor would not be an indication of the user's current position in the hierarchy of document sub-elements. The audio cursor position is therefore not relevant to the generation of the audio indication disclosed in the passage of Slezak et al., as argued by the Examiner.

Column 8, lines 9-17 of Slezak et al. also fails to disclose "generating a related audible indication" as a result of the audio cursor approaching an item-representing sound source.

Independent claim 21 differs from Slezak et al. by including a limitation similar to, but more specific than that of claim 1, namely: cursor-proximity means for (a) comparing the current rendering position of the audio cursor with the rendering positions of the item-representing sound sources, and (b) generating a related audible indication by modifying the sounds emanating from at least one of that item-representing sound source and the cursor sound source in response to the cursor being determined as being close to an item-representing sound source. Independent claim 37 includes language similar to that discussed *supra* in connection with claim 1.

Rejections under 35 U.S.C. §103

Applicants traverse the rejections of claims 4, 7, 11, 13, 18, 27, 29, 34, 43 and 45 as being unpatentable under 35 U.S.C. §103(a) over Slezak, in view of Balabanovic, U.S. Patent 6,624,826.

Because Balabanovic obviously does not cure the deficiencies of Slezak, the rejection of claims 4, 7, 11, 13, 18, 27, 29, 34, 43 and 45 is wrong for the same reasons, *inter alia*, advanced for

Applicants traverse the rejections of claims 16 and 32 as being unpatentable under 35 U.S.C. §103(a) over Slezak, in view of the admitted prior art of Kyriakakis et al., entitled "Signal Processing, Acoustics, and Psychoacoustics for High Quality desktop Audio". Again, Kyriakakis et al., fails to cure the Slezak et al. deficiencies, so the rejection of claims 16 and 32 is incorrect.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance are in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025, and please credit any excess fees to such deposit account.

Respectfully submitted,

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